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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,889	05/01/2001	Thomas P. Feist	08CN08803C 5322	
	590 12/04/2003		EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH			BERNATZ, KEVIN M	
BLOOMFIELD			ART UNIT	PAPER NUMBER
			1773	
			DATE MAILED: 12/04/2003	17

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
	09/846,889	FEIST ET AL.			
Advisory Action	Examiner	Art Unit			
	Kevin M Bernatz	1773			
The MAILING DATE of this communication app	pears on the cover sheet with the	correspondence address			
THE REPLY FILED 17 November 2003 FAILS TO PLA Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (condition for allowance; (2) a timely filed Notice of Appe Examination (RCE) in compliance with 37 CFR 1.114.	CE THIS APPLICATION IN CON avoid abandonment of this applic 1) a timely filed amendment which all (with appeal fee); or (3) a time	IDITION FOR ALLOWANCE. ation. A proper reply to a			
PERIOD FOR F	REPLY [check either a) or b)]				
a) The period for reply expiresmonths from the mail b) The period for reply expires on: (1) the mailing date of this no event, however, will the statutory period for reply expire ONLY CHECK THIS BOX WHEN THE FIRST REPLY WA 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The have been filed is the date for purposes of determining the period fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date (2) as set forth in (b) above, if checked. Any reply received by the Ottimely filed, may reduce any earned patent term adjustment. See 37 the second se	e later than SIX MONTHS from the mailing AS FILED WITHIN TWO MONTHS OF The date on which the petition under 37 Cdd of extension and the corresponding among the shortened statutory period for reply office later than three months after the may of CFR 1.704(b).	THE FINAL REJECTION. See MPEP FR 1.136(a) and the appropriate extension the sount of the fee. The appropriate extension by originally set in the final Office action; or additionally all of the final rejection, even if			
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.					
2 X The proposed amendment(s) will not be entered	because:				
(a) \(\subseteq \) they raise new issues that would require fur	ther consideration and/or search	(see NOTE below);			
(b) Thou raise the issue of new matter (see Note below);					
(c) they are not deemed to place the application	n in better form for appeal by ma				
(d) they present additional claims without cand	eling a corresponding number of	tinally rejected claims.			
NOTE: See Continuation Sheet.					
3.☐ Applicant's reply has overcome the following rej	ection(s):	congrate timely filed amendment			
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed affective canceling the non-allowable claim(s).					
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.					
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly					
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.					
The status of the claim(s) is (or will be) as follows:					
Claim(s) allowed: none.					
Claim(s) objected to: <u>none</u> .					
Claim(s) rejected: <u>1-60</u> .					
Claim(s) withdrawn from consideration: none.					
8. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.					
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). 11,12.					
10. Other:					

Continuation Sheet (PTOL-303)



Continuation of 2. NOTE: the new claim limitation "comprising at least one plastic resin portion disposed between at least one data layer and a substrate" was not previously required and would require further consideration and/or search. I.e. the previous claims were broade r than the proposed amendment and did not require the specific structural location of the plastic resin portion.

The Examiner notes that the amendment to the Title has been entered.

Continuation of 5. does NOT place the application in condition for allowance because: applicants' arguments are directed to the unentered amendment. In so far as they apply to the present rejections of record, applicants argue that improved properties are not "cause effective variables" and that the claimed properties are not necessarily present in the cited prior art. The Examiner respectfully

The Examiner notes that the prior art recognizes all of the claimed properties as known properties of recording media (as evidenced in the cited prior art of record). In addition, many teachings have been cited to ilustrate that the prior art recognized that certain ranges, minimums or maximums of the various properties are desired. It is this knowledge that (a) the property exists and (b) what values are desired that determines whether a variable is "cause effective". Since the prior art teachings meet both (a) and (b) above, the Examiner deems that applicants are merely claiming optimizations of properties that are known in the art, specifically optimization to values that are recognized as preferred in the prior art. Applicants have presented no experimental evidence that the closest prior art (as exemplfied by the cited prior art of record) would be incapable of obtaining these properties nor whether said closest prior art would not necessarily possess these properties ("inherency" is representative of a 102-type rejection while the present rejections are all under 35 U.S.C. 103). Comparison against non-cited art that is not deemed the "closest prior art" is not convincing.

Applicants further argue that the areal recording density is solely a function of the media and conveys structural limitations. The

Examiner respectfully disagrees.

The areal recording density, as stated by applicants on page 13 of the afterfinal response, "refers to the amount of data that can be stored in a given amount of hard disk platter "real estate"". This amount of data is strongly dependent on how the data is written, specifically the type of head used, the spacing of the head, etc. All this effects the size of the recording bits, which effects the bits/track, which effects the total bits (tracks/area), i.e. the "recording density".

Supervisory Patent Examiner 1.52...0/5gy Center 1700